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IN THE MATTER OF THE APPLICATION
BY TRANSCANADA KEYSTONE
PIPELINE, LP FOR A PERMIT UNDER THE
SOUTH DAKOTA ENERGY CONVERSION
AND TRANSMISSION FACILITIES ACT TO
CONSTRUCT THE KEYSTONE XL
PROJECT,

KEYSTONE'S RESPONSE TO
ROSEBUD SIOUX TRIBE'S MOTION
FOR RECONSIDERATION

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The Rosebud Sioux Tribe has moved for reconsideration of the Commission's order dated April 3, 2015, regarding the Scheduling Order. Applicant TransCanada Keystone Pipeline, LP ("Keystone"), does not object to the relief requested for the Tribe's expert witnesses, provided that Keystone's deadline for rebuttal testimony is also adjusted.

1. The relief that the Tribe requests is an extension from April 10 until April 24 to file its prefiled testimony. Keystone does not object to the order being modified to that extent for the Tribe's expert witnesses, provided that Keystone's deadline for submitting rebuttal testimony in response to the Tribe's prefiled testimony is extended from April 27 until May 5, the date of the hearing. The Tribe has not advanced any reason why its deadline for its non-expert prefiled testimony should be extended beyond April 10, 2015.

2. There is no basis for the Tribe's emergency motion. Except for the fact that Keystone has provided some additional discovery responses to the Tribe, nothing has changed since the April 3 order.

3. The Tribe's reference in paragraph 7 to the 34 documents that it received late was the basis for the Tribe's deadline already being extended. It is not a basis for further relief. Moreover, the Tribe again neglects the fact that it received notice that Keystone would separately provide a link for those documents on March 10, but did not follow up with a further request until March 25. The Tribe is equally responsible for the delay.

4. The Tribe relies on the proposed testimony of Richard Kuprewicz in support of its motion, but the Tribe did not disclose Kuprewicz in discovery until yesterday, April 7, 2015. He had previously been disclosed by BOLD Nebraska, but BOLD has since stated that it is not going to call any witnesses.

5. The Tribe's continued references to the time that its other experts need to produce their testimony is the same argument that the Standing Rock Sioux Tribe earlier made in support of its motion, which was denied.

6. The references to Keystone's bad acts and efforts to "purposefully delay the discovery process" are not well taken and not supported by the record, which establishes that Keystone worked diligently to provide responses to over 1,000 discovery requests in this proceeding.

Keystone respectfully requests that: (1) the motion be granted as to the Tribe's expert witnesses provided that Keystone's time to submit responsive rebuttal testimony is extended to May 5, 2015; or (2) that the motion be denied.

Dated this 8th day of April, 2015.

WOODS, FULLER, SHULTZ & SMITH P.C.

By /s/ James E. Moore

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of April, 2015, I sent by United States first-class mail, postage prepaid, or e-mail transmission, a true and correct copy of Keystone's Response to Rosebud Sioux Tribe's Motion for Reconsideration, to the following:

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